

# SENATE BILL 221

J1, M3

EMERGENCY BILL

11r0630  
CF HB 54

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By: **Senator Conway**

Introduced and read first time: January 27, 2011

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Decabrominated Diphenyl Ether – Trace Amounts**

3 FOR the purpose of altering certain prohibitions on the manufacturing, leasing,  
4 selling, or distributing of certain products that contain decabrominated  
5 diphenyl ether; making this Act an emergency measure; and generally relating  
6 to the use of decabrominated diphenyl ether.

7 BY repealing and reenacting, without amendments,  
8 Article – Environment  
9 Section 6–1201(a) and (b)  
10 Annotated Code of Maryland  
11 (2007 Replacement Volume and 2010 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Environment  
14 Section 6–1202.1  
15 Annotated Code of Maryland  
16 (2007 Replacement Volume and 2010 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Environment**

20 6–1201.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) “DecaBDE” means decabrominated diphenyl ether.

23 6–1202.1.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (a)   (1)   In this section, “transportation equipment”, “military equipment”,  
2 and “components of transportation or military equipment” do not include shipping  
3 pallets used to transport unpackaged fruits and vegetables.

4           (2)   This section does not apply to:

5                   (i)   Original equipment manufacturer replacement service parts  
6 or other products manufactured before January 1, 2011, if the part or products were  
7 manufactured in compliance with applicable federal, State, and local laws; and

8                   (ii)   1.   A vehicle, as defined in § 11-176 of the  
9 Transportation Article; or

10                               2.   A product, part, or replacement part for use in a  
11 vehicle.

12           (b)   (1)   Beginning on December 31, 2010, a person may not manufacture,  
13 lease, sell, or distribute for sale or lease in the State any of the following products that  
14 contain **MORE THAN ONE-TENTH OF 1% OF decaBDE BY MASS:**

15                   (i)   Mattresses;

16                   (ii)   Upholstered furniture designed for residential use; and

17                   (iii)   Electrical or electronic equipment.

18           (2)   Except as provided in paragraph (3) of this subsection, beginning  
19 on December 31, 2012, a person may not manufacture, lease, sell, or distribute for sale  
20 or lease in the State any product that contains **MORE THAN ONE-TENTH OF 1% OF**  
21 **decaBDE BY MASS.**

22           (3)   Paragraph (2) of this subsection does not apply to:

23                   (i)   Transportation equipment;

24                   (ii)   Military equipment; or

25                   (iii)   Components of transportation or military equipment.

26           (c)   On or after December 31, 2013, a person may not manufacture, lease,  
27 sell, or distribute for sale or lease in the State the following products that contain  
28 **MORE THAN ONE-TENTH OF 1% OF decaBDE BY MASS:**

29                   (1)   Transportation equipment;

30                   (2)   Military equipment; or

1           (3)    Components of transportation or military equipment.

2           (d)    This section does not prohibit:

3                   (1)    A retailer that is in possession of a product prohibited for  
4 manufacture, lease, sale, or distribution for sale or lease under subsections (b) and (c)  
5 of this section from selling, recycling, or otherwise disposing of a product that is in the  
6 retailer's or lessor's inventory on or after the date that the prohibition takes effect;

7                   (2)    A person from recycling a product that contains decaBDE;

8                   (3)    A person from selling, leasing, recycling, or otherwise disposing of  
9 a product that contains recycled decaBDE;

10                  (4)    Any activity involving a product that contains decaBDE that  
11 occurs subsequent to first sale at retail; or

12                  (5)    A person from transporting or storing a product prohibited under  
13 subsections (b) and (c) of this section for later distribution outside the State.

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
15 measure, is necessary for the immediate preservation of the public health or safety,  
16 has been passed by a ye and nay vote supported by three-fifths of all the members  
17 elected to each of the two Houses of the General Assembly, and shall take effect from  
18 the date it is enacted.